IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 1852 OF 2007

1. Bhavarlal Chhaganlal Jain & ors.] .. Petitioners

Versus

1. Shree Parshwanath Jain Charitable Trust & 10 ors.] .. Respondents

Mr. Rajesh S. Datar for the petitioners.

Mrs. M.P. Thakur, AGP, for the respondents.

CORAM: S.B. MHASE, &
R.S. MOHITE, JJ.

DATED: 09TH APRIL, 2007

P.C. :

. Heard.

2. The grievance of the petitioner is that the petitioner has filed a Suit for partition and possession of his share in the property. That Suit is pending with the Civil Judge, Senior Division, Thane and the Civil Judge, Senior Division, Thane has also passed an interim order directing the parties to the said suit to maintain status quo. All the respondents are parties to the said suit. While the status quo order is operational, the grievance is made that the respondents are carrying out

construction of a temple and, therefore, the application was made before the Civil Judge to stop the construction. However, since that relief was not granted, the petitioner has approached this Court seeking a Writ as against the Officers of the Municipal Corporation and Police etc.

3. When the matter is already subjudice with the Court and because favourable orders are not passed, that does not give rise and cause to file the Writ Petition. We refrain to entertain the Petition and it is rejected. However, the petitioners are entitled to follow appropriate remedies in the said Suit.

Sd/-
[R.S. MOHITE, J.]

Sd/-
[S.B. MHASE, J.]